

Shahrad Milanfar (SBN 201126)
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 Alex P. Catalona (SBN 200901)
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 BECHERER KANNETT & SCHWEITZER
 1255 Powell Street
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Attorneys for Defendant
 PRECISION VALVE & AUTOMATION, INC.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

RUBEN JUAREZ an individual and	)	CASE NO. 2:17-cv-003342
ISELA HERNANDEZ, an individual,)	
)	
Plaintiffs,	)	NOTICE OF FILING STATE COURT
	)	ANSWER AND DEMAND FOR JURY
v.	)	TRIAL
)	
PRECISION VALVE &	)	Date Removed: May 3, 2017
AUTOMATION, INC., a corporation	)	[Removed from Los Angeles County Superior
and DOES 1-20,	)	Court Case No. BC650229]
)	
Defendants.)	
)	
)	

**TO THE CLERK OF THE ABOVE-ENTITLED COURT AND ALL
 COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that Defendant Precision Valve & Automation, Inc. hereby submits the following documents to be filed in this action that were previously filed and served in the State Court action entitled *Ruben Juarez an individual and Isela Hernandez, an individual v. Precision Valve & Automation, Inc., a corporation and DOES 1-20*, Los Angeles County Superior Court Case No. BC650229:

1. The Answer of Defendant Precision Valve & Automation, Inc. to

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 Kannett &
 Schweitzer

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 Powell St.
 Emeryville, CA
 94608
 510-658-3600

1 Complaint for Personal Injuries, filed in State Court on May 2, 2017, is
2 attached hereto as **Exhibit 1**.

3 2. The Demand For Jury Trial of Defendant Precision Valve & Automation,
4 Inc., filed in State Court on May 2, 2017, is attached hereto as **Exhibit 2**.

5 Defendant Precision Valve & Automation, Inc. hereby demands a jury trial in this Court.

6
7 Dated: May 4, 2017

BECHERER KANNETT & SCHWEITZER

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10 By: /s/ Alex P. Catalona

Alex P. Catalona

11 Attorneys for Defendant PRECISION VALVE &
12 AUTOMATION, INC.

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EXHIBIT 1

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 Superior Court of California
 County of Los Angeles

MAY 02 2017

Sherri H. Carter, Executive Officer/Clerk
 By: Cristina Grijalva, Deputy

Attorneys for Defendant
 PRECISION VALVE & AUTOMATION, INC.

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

RUBEN JUAREZ an individual and ISELA
 HERNANDEZ, an individual,

Plaintiffs,

v.

PRECISION VALVE & AUTOMATION,
 INC., a corporation and DOES 1-20,

Defendants.

CASE NO. BC650229

**ANSWER TO COMPLAINT BY
 DEFENDANT PRECISION VALVE
 & AUTOMATION, INC.**

Action Filed: February 28, 2017
 Trial Date: August 28, 2018

By Fax

Defendant Precision Valve & Automation, Inc. ("Defendant") responds to
 plaintiffs' complaint as follows: Pursuant to California Code of Civil Procedure § 431.30,
 Defendants deny generally each and every allegation in the Complaint.

AFFIRMATIVE DEFENSES

1. As a first affirmative defense, Defendant alleges that the Complaint does not state
 facts sufficient to constitute a cause of action.

2. As a second affirmative defense, Defendant alleges plaintiff Ruben Juarez was
 negligent and that his negligence, in whole or in part, caused and contributed to the injury and
 damage alleged in the Complaint.

3. As a third affirmative defense, Defendant alleges plaintiff Ruben Juarez's
 employer was negligent or acted in some other tortious manner, and that this conduct, in whole

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1 or in part, caused and contributed to the injury and damage alleged in the Complaint.

2 4. As a fourth affirmative defense, Defendant alleges that other parties and other
3 persons not parties to the action acted negligently or in some other tortious manner, and that their
4 negligence or other tortious conduct caused the injury and damage alleged in the Complaint.
5 Defendants request that in the event of a finding of any liability in favor of Plaintiffs or settlement
6 or judgment against this defendant, an apportionment of fault be made as permitted by *Li v. Yellow*
7 *Cab Company* and *American Motorcycle Association v. Superior Court* by the court or jury.
8 Defendant further requests a judgment and declaration of partial indemnification and contribution
9 against all other parties or persons in accordance with the appointment of fault.

10 5. As a fifth affirmative defense, Defendant alleges that it cannot be held responsible
11 for the acts of others or events beyond Defendant's control, which acts or events contributed in
12 whole or in part to the damages, claims, and causes of action alleged in the Complaint.

13 6. As a sixth affirmative defense, Defendant alleges plaintiffs voluntarily and
14 knowingly assumed the risk of damage alleged in the Complaint. Plaintiffs' claims are therefore
15 barred in whole or in part by the doctrine of Assumption of Risk.

16 7. As a seventh affirmative defense, Defendant alleges that Plaintiff Ruben Juarez
17 agreed to, and participated in, those actions which plaintiffs claim to have caused injury or
18 damage. Since such participation and consent were given knowingly and voluntarily, plaintiffs'
19 claims are invalid.

20 8. As an eighth affirmative defense, Defendant alleges that it exercised due care
21 and diligence in all matters alleged in the complaint, and that no act or omission by Defendant
22 was the proximate cause of any damage, injury or loss to plaintiffs.

23 9. As a ninth affirmative defense, Defendant alleges plaintiffs failed to exercise
24 reasonable care and diligence to mitigate their alleged damages.

25 10. As a tenth affirmative defense, Defendant alleges that plaintiff Ruben Juarez was
26 a sophisticated user of Defendant's product due to his particular position, training, experience,
27 education, knowledge, and/or skill, and knew or should have known of any risk, harm and/or
28 danger of the product(s) and material(s) alleged against Defendant.

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11. As an eleventh affirmative defense, Defendant alleges that plaintiff Ruben Juarez's employer was a sophisticated user of Defendant's product due to its particular position, training, experience, knowledge, education and/or skill, and knew or should have known of any risk, harm and/or danger of the product(s) and material(s) alleged against Defendant.

12. As a twelfth affirmative defense, Defendant alleges that plaintiffs' claims are barred by the workers' compensation exclusivity rule.

13. As a thirteenth affirmative defense, Defendant allege that plaintiffs' claims are barred by all applicable statutes of limitations including but not limited to Code of Civil Procedure section 335.1.

14. As a fourteenth affirmative defense, Defendant alleges that plaintiffs' claims are barred in whole or in part by the doctrine of laches.

15. As a fifteenth affirmative defense, Defendant alleges that plaintiffs' claims are barred in whole or in part by the doctrine of unclean hands.

16. As an sixteenth affirmative defense, Defendant alleges plaintiffs waived and are estopped and barred from alleging the matters set forth in their complaint based upon settlements, releases and/or agreements.

17. As a seventeenth affirmative defense, Defendant alleges that plaintiffs' claims are barred in whole or in part by the doctrine of waiver.

18. As an eighteenth affirmative defense, Defendant alleges that plaintiffs' claims are barred in whole or in part by the doctrine of estoppel.

19. As a nineteenth affirmative defense, Defendant alleges that plaintiff Ruben Juarez's employer violated the Occupational Health and Safety Act of 1970, and subsequent statutory and regulatory law including but not limited to 29 CFR 1910.1200, et seq., (OSHA Hazard Communication Standard), 29 CFR 1910.132, et seq., (OSHA personal safety equipment rules), and 29 CFR 1904, et seq., (OSHA injury and illness recordkeeping and reporting requirements.)

20. As a twentieth affirmative defense, Defendant alleges that current law prohibits plaintiffs' claims against this defendant.

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1 Defendant reserves its right to assert additional defenses in the event its investigation
2 and discovery indicates additional defenses would be appropriate.

3 Defendant demands judgment in its favor, costs of suit, attorney's fees and all other proper
4 relief.

5
6 Dated: April 26, 2017

BECHERER KANNETT & SCHWEITZER

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8 By:


9 Alex P. Catalona
10 Attorney for Defendant
11 PRECISION VALVE & AUTOMATION, INC.
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24 Becherer
25 Kannett &
26 Schweitzer

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PROOF OF SERVICE

Ruben Juarez, et al. v. Precision Valve & Automation, Inc., et al.
Los Angeles County Superior Court, Case No. BC650229

I, Jerry M. Dumlao, declare that I am employed in the County of Alameda, State of California; I am over the age of eighteen (18) years and not a party to the within entitled action; my business address is 1255 Powell Street, Emeryville, California 94608.

On **May 2, 2017**, I caused to be served the foregoing:

ANSWER TO COMPLAINT BY DEFENDANT PRECISION VALVE & AUTOMATION, INC.;

DEMAND FOR JURY TRIAL

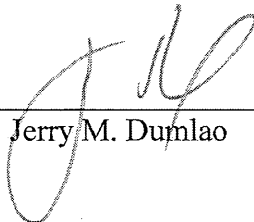
In said action by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or manners described below to each of the parties herein and addressed as follows:

Attorneys for Plaintiff

Teresa Li, Esq.
LAW OFFICES OF TERESA LI, PC
315 Montgomery Street, 9th Floor
San Francisco, California 94104
Telephone: (415) 423-3377
Facsimile: (888) 646-5493
Email: teresa@lawofficesofteresali.com

☒ (By Mail) I deposited such envelope with postage thereon fully prepaid to be placed in the United States Mail at Emeryville, California. I am familiar with the mail collection practices of Becherer Kannett & Schweitzer Attorneys and pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed **May 2, 2017**, at Emeryville, California.



Jerry M. Dumlao

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Kannett &
Schweitzer

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EXHIBIT 2

CONFORMED COPY
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Superior Court of California
County of Los Angeles

MAY 02 2017

Shari H. Carter, Executive Officer/Clerk
By: Cristina Grijak, Deputy

Shahrad Milanfar (SBN 201126)
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Alex P. Catalona (SBN 200901)
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Attorneys for Defendant
PRECISION VALVE & AUTOMATION, INC.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

RUBEN JUAREZ an individual and ISELA
HERNANDEZ, an individual,

Plaintiffs,

v.

PRECISION VALVE & AUTOMATION,
INC., a corporation and DOES 1-20,

Defendants.

CASE NO. BC650229

DEMAND FOR JURY TRIAL

Action Filed: February 28, 2017
Trial Date: August 28, 2018

By Fax


TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that in response to plaintiffs' complaint filed and served in this matter,
Defendant PRECISION VALVE & AUTOMATION, INC. hereby demands a trial by jury in the
above entitled case.

Dated: May 1, 2017

BECHERER KANNETT & SCHWEITZER

By:


Alex P. Catalona
Attorneys for Defendant
PRECISION VALVE & AUTOMATION, INC.

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on the 4th day of May, 2017, a true and correct copy of **NOTICE OF FILING STATE COURT ANSWER** has been served by mail to plaintiffs' attorney and via ECF upon all counsel of record in the Court's electronic filing system.

Attorneys for Plaintiffs

Teresa Li, Esq.
LAW OFFICES OF TERESA LI, PC
315 Montgomery Street, 9th Floor
San Francisco, California 94104
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Email: teresa@lawofficesofteresali.com

/s/ Alex P. Catalona

Alex P. Catalona

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Attorneys for Defendant
 PRECISION VALVE & AUTOMATION, INC.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

RUBEN JUAREZ an individual and ISELA	)	CASE NO. 2:17-cv-03342
HERNANDEZ, an individual,)	
	)	[Los Angeles County Superior Court
Plaintiffs,	)	Case No. BC650229]
)	
v.	)	CERTIFICATE OF SERVICE)
)	
PRECISION VALVE & AUTOMATION,)	
INC., a corporation and DOES 1-20,)	
)	
Defendants.)	
)	
)	
)	

I, Jerry M. Dumlao, declare that I am employed in the County of Alameda, State of California; I am over the age of eighteen (18) years and not a party to the within entitled action; my business address is 1255 Powell Street, Emeryville, California 94608.

On **May 4, 2017**, I caused to be served the foregoing:

NOTICE OF FILING STATE COURT ANSWER AND DEMAND FOR JURY TRIAL

In said action by placing a true copy thereof enclosed in a sealed envelope and served in the manner and/or manners described below to each of the parties herein and addressed as follows:

///
 ///

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 510-658-3600

1
2 *Attorneys for Plaintiff*

Teresa Li, Esq.
LAW OFFICES OF TERESA LI, PC
315 Montgomery Street, 9th Floor
San Francisco, California 94104
Telephone: (415) 423-3377
Facsimile: (888) 646-5493

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7 practices of Becherer Kannett & Schweitzer Attorneys and pursuant to those practices the
8 envelope would be deposited with the United States Postal Service the same day.

9 Executed on May 4, 2017.

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11 
12 Jerry M. Dumlao
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24 **Becherer
Kannett &
Schweitzer**

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